

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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MARTIN HOBBS

Petitioner,

22 **CIVIL** 2283 (JMF)

-against-

JUDGMENT

DONITA MCINTOSH,

Respondent.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated December 9, 2022, Hobbs's petition for the writ of habeas corpus is DENIED. At bottom, he asks the Court to second guess the state courts' decisions as to an issue of state law. Arguably, the Court may not do that. To the extent the Court can, it owes deference to the state court and cannot say that the relevant state court's decision was objectively unreasonable. As Hobbs has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253(c); see also, e.g., *Matthews v. United States*, 682 F.3d 180, 185 (2d Cir. 2012). In addition, this Court certifies, pursuant to Title 28, United States Code, Section 1915(a)(3), that any appeal from the Order would not be taken in good faith, and in forma pauperis status is thus denied. See *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962); accordingly, the case is closed.

DATED: New York, New York
December 12, 2022

RUBY J. KRAJICK

BY:

Clerk of Court

K. mango

Deputy Clerk